

1 **GUTTILLA MURPHY ANDERSON, P.C.**

2 Dawn M. Maguire (Ariz. No. 20368)

3 5415 E. High St., Suite 200

4 Phoenix, Arizona 85054

5 Email: dmaguire@gamlaw.com

6 Phone: (480) 304-8300

7 Fax: (480) 304-8301

8 Attorneys for Chapter Trustee Brian Mullen

9 **UNITED STATES BANKRUPTCY COURT**

10 **DISTRICT OF ARIZONA**

11 In re:

Chapter 7

12 JOSEPH CARL MULAC, III AND MARY
13 ELLEN MULAC,

Case No. 2:20-bk-04173-BKM

14 Debtors.

**AMENDED NOTICE OF ADDENDUM #3
WITH INCREASED PURCHASE PRICE
-and-
STATUS REPORT OF SALE CLOSING
FROM FEBRUARY 11, 2021 SALE
HEARING**

(RE: Motion to Approve Sale of Real
Property Free and Clear of Liens – DN 196]

15 Brian Mullen, the Chapter 7 Trustee in the above captioned case ("Trustee"), by and
16 through undersigned counsel, hereby provides this Amended Notice of *Addendum* #3 (attached
17 hereto) with a new increased purchase price for the sale of the real property at 7411 E. Jackrabbit
18 Road, Scottsdale, AZ 85250 – APN: 173-16-046 ("Property").

19 The Trustee attended the sale hearing on February 11, 2021 wherein the sale of the
20 Property was approved for \$2,450,000.00¹ with certain conditions. The parties are still working
21 on the Sale Order for the Court's review and approval.

22 Since the hearing, Wells Fargo conducted an appraisal of the Property and the Buyer
23 submitted Addendum #2 with the increased purchase price to \$2,625,000.00. All other provisions,
24 agreements, and terms of the Contract (as defined in the Sale Motion on file at DN 196) remained
25 the same with the exception of the increased sale price. On March 8, 2021, the Trustee filed a
26 Notice of Addendum #2 (DN 247).

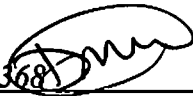
27 _____
28 ¹ There were no higher or better offers received at the hearing.

1 Since March 8, 2021, and specifically on March 11, 2021, the Buyer submitted Addendum
2 #3 with the new increased purchase price. All other provisions, agreements, and terms of the
3 Contract (as defined in the Sale Motion on file at DN 196) remain the same with the exception of
4 the new increased sale price of \$2,800,000.00.

5 To date, Wells Fargo has not made a decision on whether the bankruptcy estate may
6 proceed with the sale of the Real Property for the agreed upon surcharge payment to the
7 bankruptcy estate. The Trustee and Wells Fargo have not finalized the Sale Order from the Sale
8 Hearing on February 11, 2021 as the parties are awaiting Wells Fargo's decision.

9 DATED: March 15, 2021

10 GUTTILLA MURPHY ANDERSON, P.C.

11 
12 /s/ Dawn M. Maguire #20368
13 Dawn M. Maguire
14 Attorneys for Chapter 7 Trustee

15 **E-FILED** on March 15, 2021 with the
16 U.S. Bankruptcy Court and copies served
17 via ECF notice on all parties that have
18 appeared in the case.

19 **COPY** emailed the same date to:

20 Brian Mullen
21 *Chapter 7 Trustee*

22 BK Global
23 Attn: Patrick Butler
24 Attn: Laura Burton
25 pbutler@bkginc.com
26 lbarton@bkginc.com

27 Heena Khatri
28 UrbanCiti Realty & Property Management
heena@urbanciti.com
Agent for the Trustee

Tracy-Ann Chavarria
Branch Manager/Escrow Officer
American Title Service Agency, LLC
7033 E. Greenway Parkway, Ste. 150
Scottsdale, AZ 85254
tchavarria@atsaaz.com
Title Company

1 Hugh Anderson
2 Anderson & Anderson Real Estate, LLC
3 15972 N. 115th Way
4 Scottsdale, AZ 85255
5 dhughanderson@gmail.com
6 *Agent for Buyer Robert C. Chang*

7 Nathan A Finch
8 CATALYST LEGAL GROUP PLLC
9 1820 E. Ray Road
10 Chandler, AZ 8522
11 Nathan@Catalyst.Lawyer
12 *Attorneys for Mary Ellen Mulac*

13 Robert D. Mitchell
14 Christopher R. Kaup
15 TIFFANY & BOSCO, P.A.
16 2525 East Camelback Road, Suite 700
17 Phoenix, Arizona 85016
18 rdm@tblaw.com
19 crk@tblaw.com
20 *Attorneys for Creditor Larry Yount*

21 Dean M. Dinner
22 KUTAK ROCK LLP
23 8601 North Scottsdale Road, #300
24 Scottsdale, AZ 85253-2738
25 dean.dinner@kutakrock.com
26 *Attorneys for CIT Bank, N.A.*

27 Jason P. Sherman
28 JANEWAY LAW FIRM, LLC
3636 N. Central Ave., Suite #400
Phoenix, AZ 85012
jsherman@logs.com
AZNotices@logs.com
Attorneys for Nationstar Mortgage LLC d/b/a Mr. Cooper

Gerald L. Shelley
Brett Gilmore
FENNEMORE CRAIG, P.C.
2394 E. Camelback Rd., Ste. 600
Phoenix, AZ 85016-3429
gshelley@fclaw.com
bgilmore@fclaw.com
Attorneys for CSL Riverbend LLC

Randy Nussbaum
SACKS TIERNEY P.A.
4250 N. Drinkwater Blvd., 4th Floor
Scottsdale, AZ 85251
Randy.Nussbaum@SacksTierney.com
Attorneys for Darren Lee Sutton and R. Dean Harrell

1 Tamalyn E. Lewis
2 ENGELMAN BERGER, P.C.
2800 North Central Avenue, Suite 1200
3 Phoenix, Arizona 85012
tel@eblawyers.com
4 *Attorneys for Robert J. Wade and Kathleen R. Wade as Trustees of The Wade Revocable Trust I*

5 Alan Baskin
6 BASKIN PLC
2901 N. Central Avenue, Suite 1150
7 Phoenix, AZ 85012
alan@baskin.law
Attorneys for Carl Joseph Mulac III

8 Leonard J. McDonald
9 TIFFANY & BOSCO, P.A.
2525 East Camelback Road, Suite 700
10 Phoenix, Arizona 85016
ljm@tblaw.com
Attorneys for Wells Fargo Bank, N.A.

11 **COPY** mailed the same date via U.S. Mail to:

12 Office of the United States Trustee
230 N. First Ave., Suite 204
13 Phoenix, AZ 85003-1706

14 Carl Joseph Mulac III
15 Mary Ellen Mulac
4800 N. 68th Street, #371
16 Scottsdale, AZ 85251
Debtors

17 Edward J. Novak Jr.
18 Jodee K. Novak
46 Wellington Ct.
19 Yorktown Heights, NY 10598




20 Wells Fargo
PO Box 14591
Des Moines, IA 50306
21 *Lien Holder*

22 Robert Chang
2893 E. Scorpio Place
23 Chandler, AZ 85249
24 *Buyer*

25 /s/ Monica J. Baca
26
27
28

ADDENDUM #3

Document updated:
June 1993

 ARIZONA ASSOCIATION OF REALTORS® REAL SOLUTIONS REALTOR® SUCCESS	The pre-printed portion of this form has been drafted by the Arizona Association of REALTORS®. Any change in the pre-printed language of this form must be made in a prominent manner. No representations are made as to the legal validity, adequacy and/or effects of any provision, including tax consequences thereof. If you desire legal, tax or other professional advice, please consult your attorney, tax advisor or professional consultant.	 
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1. This is an addendum originated by the: ☐ Seller ☒ Buyer ☐ Landlord ☐ Tenant.
2. This is an addendum to the Contract dated October 1, 2020 between the following Parties:
3. Seller/Landlord: Brian Mullen, BK Trustee for the Estate of Joseph & Mary Mullen
4. Buyer/Tenant: Robert C. Chang
5. Premises: 7411 E JACKRABBIT RD, Scottsdale, AZ 85250
6. The following additional terms and conditions are hereby included as a part of the Contract between Seller and Buyer for the above referenced Premises:
7. _____
8. Purchase price to be \$2,800,000.00
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
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31. _____
32. _____
33. _____
34. _____
35. _____
36. _____
37. _____
38. _____
39. _____
40. _____
41. _____
42. The undersigned agrees to the additional terms and conditions and acknowledges receipt of a copy hereof.

43. 03/11/2021
44. ☐ Seller ☒ Buyer MO/DA/YR
45. ☐ Landlord ☐ Tenant MO/DA/YR
46. Brian Mullen, Trustee
47. ☒ Seller ☐ Buyer MO/DA/YR
48. ☐ Landlord ☐ Tenant 3/11/2021

49. For Broker Use Only:
 Brokerage File/Log No. _____ Manager's Initials _____ Broker's Initials _____ Date _____
 MO/DA/YR

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Anderson and Anderson Real Estate LLC 15972 N. 113th Way Scottsdale, AZ 85255
Phone: 602-910-2480 Fax: _____Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.ziplogix.com

Untitled

